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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,364	02/12/2002	Brian N. Tufte	1076.1101104	9076

28075 7590 03/31/2003

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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,364

Applicant(s)

TUFTE, BRIAN N.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-22 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 4, 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Elongated Illumination Device with Support Bracket.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it include phrases which can be implied. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-8, 10-14, 18, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dealey et al. (U.S. Pat. 5,678,914).

Dealey et al. discloses an illumination device having:

- **an elongated member having a cavity**, Figure 3, reference number 96;
- **en elongated light source for being received in the cavity**, Figure 3, reference number 38A;
- **the cavity being at least partially defined by a material that is at least partially transparent**, column 4, lines 39-41;
- **the elongated member having two legs adapted to secure the elongated member to a substrate**, Figure 3, reference numbers 100 and 102;

- **the legs having a tooth extending laterally away from the leg, threaded fastener shown in Figure 3;**
- **the legs extending continuously along the length of the member, column 4, lines 56-58;**
- **the legs being spaced along the length of the member, Figure 3, reference numbers 100 and 102;**
- **the elongated light source being a linear emitting fiber, column 4, lines 11-15; and**
- **the elongated member being made of a elastomeric material, inherent, as evidenced in column 4, lines 46-49.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dealey et al. (U.S. Pat. 5,678,914) in view of Dealey, Jr. et al. (U.S. Pat. 6,152,586).

Dealey et al. discloses an illumination device having:

- **an elongated member having a cavity**, Figure 3, reference number 96;
- **an elongated light source for being received in the cavity**, Figure 3, reference number 38A;
- **the cavity being at least partially defined by a material that is at least partially transparent**, column 4, lines 39-41;
- **the elongated member having two legs adapted to secure the elongated member to a substrate**, Figure 3, reference numbers 100 and 102;
- **the legs having a tooth extending laterally away from the leg**, threaded fastener shown in Figure 3;
- **the legs extending continuously along the length of the member**, column 4, lines 56-58;
- **the legs being spaced along the length of the member**, Figure 3, reference numbers 100 and 102;
- **the elongated light source being a linear emitting fiber**, column 4, lines 11-15; and
- **the elongated member being made of a elastomeric material**, inherent, as evidenced in column 4, lines 46-49.

Dealey et al. discloses all the limitations of the claims, except a removable portion, such removable portion being made of a material which is less elastomeric than

the material of the elongated member, and such removable portion being for selectively removing it from the elongated member.

Dealey, Jr. et al. discloses an illumination device having an elongated member for receiving an elongated light source, such elongated member including a tubular pin 150 (Figure 5) for aligning consecutive members.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the cylindrical pin of Dealey, Jr. et al. in the device of Dealey et al. to provide for an easy way to align consecutive members, as disclosed by Dealey, Jr. et al.

5. Claims 9 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Dealey et al. (U.S. Pat. 5,678,914).

Dealey et al. discloses an illumination device having:

- **an elongated member having a cavity**, Figure 3, reference number 96;
- **an elongated light source for being received in the cavity**, Figure 3, reference number 38A;
- **the cavity being at least partially defined by a material that is at least partially transparent**, column 4, lines 39-41;
- **the elongated member having two legs adapted to secure the elongated member to a substrate**, Figure 3, reference numbers 100 and 102;

- **the legs having a tooth extending laterally away from the leg,**
threaded fastener shown in Figure 3;
- **the legs extending continuously along the length of the**
member, column 4, lines 56-58;
- **the legs being spaced along the length of the member,** Figure
3, reference numbers 100 and 102;
- **the elongated light source being a linear emitting fiber,** column
4, lines 11-15; and
- **the elongated member being made of a elastomeric material,**
inherent, as evidenced in column 4, lines 46-49.

Dealey et al. discloses all the limitations of the claims, except the elongated light source being an electroluminescent wire (ELEW).

The examiner takes Official Notice that the use of ELEW is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an ELEW for the light source in the system of Dealey et al.. One would have been motivated since ELEW are recognized in the illumination art to have many desirable advantages, including high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

Relevant Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Millar (U.S. Pat. 1,729,274), **Arenberg et al.** (U.S. Pat. 2,587,807), **Johnson et al.** (U.S. Pat. 4,947,293) and **Bayersdorfer** (U.S. Pat. 6,450,678) disclose elongated illumination devices having elongated members for receiving elongated light sources.

Allowable Subject Matter

7. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an elongated illumination device having an elongated member for receiving an elongated light source. The elongated member includes a cavity where the light source is disposed after passing through a slit formed on the elongated member. The elongated member includes a first partially transparent material and a second substantially non-transparent material.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the elongated member including a partially transparent material and a substantially non-transparent material.

Conclusion

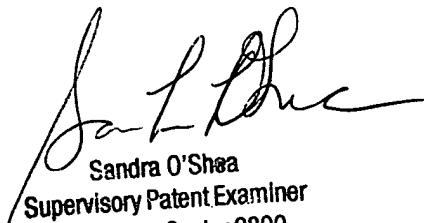
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Inr

March 23, 2003



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800